

Appln No. 10/673,828

Amdt date May 9, 2005

Reply to Office action of February 7, 2005

**REMARKS/ARGUMENTS**

Claims 1-22 remain unamended in the present application, of which claims 1, 14 and 22 are independent.

First of all, Applicants appreciate and thank the Examiner for the time and courtesy extended to Applicants' attorney during the telephone interview of March 22, 2005. During the telephone interview, the Examiner has agreed to consider allowing all claims without any amendment upon filing a terminal disclaimer. Accordingly, Applicants are submitting a terminal disclaimer herewith, and respectfully request reconsideration and allowance of claims 1-22.

**I. Double Patenting Rejection under 35 U.S.C. § 101**

Claims 1-13 and 22 have been rejected as allegedly claiming the same invention as that of claims 1-13 & 22 of U.S. Patent No. 6,670,574. This is a statutory type double patenting rejection. However, as discussed with the Examiner during the March 22, 2005 telephone interview, applicants believe that this rejection should have been an obviousness-type double patenting rejection that can be overcome by filing a terminal disclaimer, as claims 1-13 and 22 are not directed to the same invention as the claims 1-13 and 22 of U.S. Patent No. 6,670,574. By way of example, claim 1 of the present invention is directed to "[a] laser weld monitoring system capable of assessing a weld quality of welding using a laser," which is not identical to the subject matter to which claim 1 of the U.S. Patent No. 6,670,574 is directed.

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Applicants once again thank the Examiner for indicating that the allowance of claims 1-13 & 22 would be considered upon filing a terminal disclaimer, and request that the rejection of claims 1-13 & 22 be withdrawn and that they be allowed.


## **II. Obviousness-Type Double Patenting Rejection**

Claims 14-21 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 14-21 of U.S. Patent No. 6,670,574. Since applicants are submitting a terminal disclaimer herewith to obviate the double patenting rejection, applicants request that the rejection of these claims be withdrawn and that they be allowed.

## **III. Concluding Remarks**

In view of the foregoing remarks, applicants respectfully request an early issuance of a patent with claims 1-22. If there are any remaining issues that can be addressed over the telephone, the Examiner is invited to call Applicants' attorney at the number listed below.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
Jun-Young E. Jeon  
Reg. No. 43,693  
626/795-9900

JEJ/vdw  
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